

ORIGINAL

FILED

January 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0581

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SUMMER LEE MANYWHITEHORSES,

Defendant and Appellant.

FILED

JAN 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eli M. Parker, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 3, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 28th day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Region 2 – Missoula
610 North Woody
Missoula, MT 59802

By: *Joselyn Hunt*
for ELI M. PARKER
Assistant Public Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have assigned Eli M. Parker to handle the above-entitled matter.

3. The Appellant's brief was first due on December 31, 2009. The brief is presently due on February 1, 2009.

4. Mr. Parker currently has two opening briefs and one reply brief due in February. Additionally, Mr. Parker is the research attorney for Region 2 of the Office of the State Public Defender. In that capacity, he has several briefs due in lower courts, an upcoming jury trial, and ongoing research projects for Region 2 attorneys.

5. Mr. Parker cannot meet the present deadline for filing the Appellant's brief.

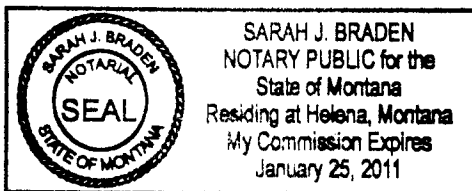
6. Mr. Parker assures me he will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
Joslun Hunt

SUBSCRIBED AND SWORN to before me this 28th day of January,
2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

JOHN PARKER
Cascade County Attorney
121 Fourth Street North
Great Falls, MT 59401

SUMMER MANYWHITEHORSES 2106034
Montana Womens Prison
701 South 27th Street
Billings, MT 59101

DATED: 1/28/2010 Sarah J. Braden